

'862 Patent: Changing Amplitude Using The MEMS

- "to form **at least one MEMS output signal** having an amplitude, **the amplitude** of the MEMS output signal capable of being **changed by moving the moveable mirror**"

The Parties' Proposed Constructions

Cheetah Omni

An output signal is light reflected off of the MEMS device received at the output interface.

As the position of the moveable mirror changes, the amplitude of the output signal changes.

Defendants

to form an output signal using a MEMS device **that causes interference between light beams**

movement of the mirror **capable of causing phase shift** to change the amplitude of the MEMS output signal

"Interference" And "Phase Shift" Are Not Recited In Claims 13-15

- No construction is needed – this limitation is not ambiguous.
- Claim 13 states that the way to change amplitude is "by moving the mirror," not by interference and phase shifting
- Defendants are improperly importing unclaimed details from the specification:
 - Adding "phase shift" and "interference" to create the claimed change in amplitude.
 - 4 Step process (p. 19 of Defendants' Brf.)